



ARIZONA BOARD OF FINGERPRINTING

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Final Minutes for Public Meeting

Held February 20, 2007, at 10:00 a.m.

3839 North 3rd Street, Suite 101, Phoenix, Arizona

Board Members

Mike LeHew, Department of Economic Security, Chair
Kim Pipersburgh, Department of Health Services, Vice Chair
Rand Rosenbaum, Administrative Office of the Courts
Charles Easaw, Department of Education
Arthur W. Baker, Department of Juvenile Corrections

Executive Director

Dennis Seavers

CALL TO ORDER AND ROLL CALL

Mr. LeHew called the meeting to order at 10:10 a.m. The following Board members were present: Mike LeHew, Kim Pipersburgh, Rand Rosenbaum, and Charles Easaw. The following Board member was absent: Arthur W. Baker.

CALL TO THE PUBLIC

Mr. LeHew made a call to the public. There were no members of the public present.

AUDIT REPORT

Mr. Easaw moved that the Board go into executive session pursuant to A.R.S. § 38-431.03(A)(2) to discuss the performance-audit report provided by the Office of the Auditor General. Mr.

Rosenbaum seconded the motion, which passed, 4–0. The Board entered into executive session at 10:12 a.m.

The Board emerged from executive session at 11:44 a.m. Mr. Easaw made a motion to direct the Board’s executive director to prepare the Board’s response to the performance-audit report as discussed in executive session. Ms. Pipersburgh seconded the motion, which passed, 4–0.

LEGISLATION

Mr. Seavers referred Board members to his February 15, 2007, memo on Senate Bill (“SB”) 1605 (see Attachment 1). He recommended that the Board take a neutral stance on the bill, but he also requested that the Board authorize him to lobby against the bill if it were not amended to provide the Board with additional full-time equivalencies. Mr. Seavers also suggested that the Board members consider the impact bill could have on their own caseloads, particularly the number of cases they would have to review as a result of the caseload increase.

Mr. Easaw made a motion that the Board take a neutral stance on SB 1605. If the Legislature did not amend the bill to provide additional full-time equivalencies, then the Board would oppose the bill. Ms. Pipersburgh seconded the motion, which passed, 4–0.

ADJOURNMENT

Ms. Pipersburgh made a motion to adjourn the meeting, and Mr. Easaw seconded. The motion passed, 4–0. Mr. LeHew adjourned the meeting at 12:05 a.m.

Minutes approved on April 6, 2007

Dennis Seavers, Executive Director

Arizona Board of Fingerprinting

Memo

TO: Board members
FROM: Dennis Seavers
C:
Date: February 15, 2007
SUBJECT: Senate Bill 1605



At its February 20, 2007, public meeting, the Board will be discussing Senate Bill 1605. The purpose of this memo is to:

- Summarize the provisions of the bill relevant to the Board
- Identify problems the bill would cause in its current form
- Suggests that the Board either take a neutral stance on or support an amended version of the bill.

Provisions

SB 1605 requires the Department of Health Services to license agencies that provide non-health-related, in-home care services. Caregivers in these agencies would be required to have a fingerprint clearance card. The licensure requirement would become effective on July 1, 2009.

Problems with the current version of the bill

It has been difficult to determine how many new individuals would be required to get a fingerprint clearance card if this legislation is passed. Many individuals may already have a fingerprint clearance card, and there have only been rough estimates from the trade associations on how many agencies there are and how many individuals work for those agencies. However, a recent estimate is that there are 400 agencies that would need to be licensed. Those agencies may have between 50 and 100 employees. If these numbers are correct, there would be between 20,000 and 40,000 new applications for a fingerprint clearance card. Consequently, the Board's caseload would increase by about 16 to 34%.

The Board does not have a large enough staff to handle this increase. Funding for new positions is not a problem: the Board's funds would increase as the number of fingerprint-clearance-card applications increase, and the Board could change its portion of the card fee. However, the Legislature has authorized only five full-time equivalencies (FTEs), and those five positions are filled. Without authorization for additional positions from the Legislature, the Board would not be able to hire new employees. With insufficient staffing, a significant backlog would arise, particularly in fiscal year 2010, when the legislation would become effective.

Bill's progress

Apart from the Senate Rules Committee, the bill was assigned to the Senate Health Committee. A hearing for the bill took place on February 15. At that hearing, I testified about the negative consequences for the Board of the bill in its current form. Specifically, I said that the Legislature would need to authorize additional FTEs for the Board, although it would not need to appropriate funds to cover the positions. I explained that without this authorization, the Board would develop a backlog. I also explained that a backlog would affect not only the newly regulated population of caregivers but also would cause delays for other populations that are required to have fingerprint clearance cards.

The committee members passed the bill unanimously out of committee. It appears likely that the bill will clear the Senate. There was support for the authorizing the additional FTEs, and I will be working with the bill sponsors to address this issue.

Board stance on bill

The Board may have concerns about the effect the bill has on its caseload. Even if the bill is amended to create additional FTEs, there would be several obstacles for the Board to overcome, such as handling the initial influx of applications when the regulation becomes effective and finding additional office space. However, I believe that these are surmountable obstacles. Individual Board members may want to note that the number of cases they will need to review will increase.

There seems to be strong political support for the legislation. I would recommend that the Board not oppose the bill, unless the Legislature does not authorize additional FTEs. The Board may want to remain neutral on the bill, leaving the public-policy question of whether caregivers should be regulated to the Legislature and Department of Health Services. Alternatively, the Board may want to support the bill, just as it's supporting the addition of assisted-living-facility managers and nursing-care-institution administrators to the card system.